

E-6



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Affirm Protest of 40-Year Time Extension to East Bay Municipal Utility District Mokelumne River Permit

MEETING DATE: February 21, 2007

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Affirm protest of 40-year time extension to East Bay Municipal Utility District (EBMUD) Mokelumne River permit.

BACKGROUND INFORMATION: On January 10, 2007, the California Water Resources Control Board issued notice of the EBMUD application for a 40-year extension of their permit to divert water from the Mokelumne River. The deadline for submitting protests was Friday, February 9, 2007.

City staff, in discussions with several local water agencies, was encouraged to file a protest to join those filed by San Joaquin County, Stockton East Water District, and the North San Joaquin Water Conservation District. Filing a protest provides a formal opportunity and timeframe for issues of interest to the City to be discussed. For example, developing an arrangement that would allow the City to utilize its Woodbridge Irrigation District water on a year-round basis or to obtain additional winter supplies could be discussed.

A copy of the protest is attached.

The timing of these discussions did not allow this item to be placed on a Council agenda before the deadline. Should the Council not concur with staff's action, the protest could be withdrawn.

FISCAL IMPACT: No financial impact at this time. Discussions and continuation of the permit process could lead to formal agreements for which the City may wish to obtain special legal advice, which would entail some unknown cost.

FUNDING AVAILABLE: Not applicable.

Richard C. Prima, Jr.
Public Works Director

RCP/pmf

Attachment

cc: D. Stephen Schwabauer, City Attorney
F. Wally Sandelin, City Engineer/Deputy Public Works Director
Charlie Swimley, Water Services Manager
Ed Steffani, North San Joaquin Water Conservation District
Anders Christensen, Woodbridge Irrigation District

APPROVED:
Blair King, City Manager

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

PROTEST – (Petitions)

BASED ON ENVIRONMENTAL OR PUBLIC INTEREST CONSIDERATIONS

Protests based on Injury to Vested Rights should be completed on other side of this form

APPLICATION _____ PERMIT _____ X _____ LICENSE _____

I, (We,) City of Lodi _____
Name of protestant

of P.O. Box 3006, Lodi, CA 95241-1910 _____ have read carefully
Post Office address of protestant

a notice relative to a petition for ☐ change or ☒ extension of time.

under APPLICATION 13156 of East Bay Municipal Utility District _____
State name of petitioner

to appropriate water from Mokelumne River (Permit #10478) _____
Name of source

It is desired to protest against the approval thereof because to the best of our information and belief:
my or our

the proposed change/extension will

(1) not be within the State Water Resources Control Board's (SWRCB) jurisdiction

(2) not best serve the public interest

(3) be contrary to law

(4) have an adverse environmental impact

☐
☒
☒
☒
☐

State facts, which support the foregoing allegations The City of Lodi incorporates herein the facts and legal arguments set forth by the County of San Joaquin, the San Joaquin County Flood Control and Water Conservation District, the Mokelumne River Water and Power Authority, Stockton East Water District and the North San Joaquin Water Conservation District filed pursuant to the Notice fo Petition dated January 10, 2007.

Under what conditions may this protest be disregarded and dismissed? None determined at this time.
State conditions that will relieve protest, or if none, so state

A true copy of this protest has been served upon the petitioner by mail _____
Personally or by mail

Date 2/9/07 _____


Deputy City Manager
Protestant(s) or Authorized Representative sign here

Protests MUST be filed within the time allowed by the SWRCB as stated in the notice relative to the change or such further time as may be allowed.

(NOTE: Attach supplemental sheets as necessary)

CITY COUNCIL

BOB JOHNSON, Mayor
JOANNE L. MOUNCE
Mayor Pro Tempore
LARRY D. HANSEN
SUSAN HITCHCOCK
PHIL KATZAKIAN

CITY OF LODI
PUBLIC WORKS DEPARTMENT

CITY HALL, 221 WEST PINE STREET

P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6710
EMAIL pwdept@lodi.gov
<http://www.lodi.gov>

BLAIR KING
City Manager
RANDI JOHL
City Clerk
D. STEVEN SCHWABAUER
City Attorney
RICHARD C. PRIMA, JR.
Public Works Director

February 16, 2007

Mr. Ed Steffani
NSJWCD
P.O. Box 3006
Lodi, CA 95241-1910

Mr. Anders Christensen
Woodbridge Irrigation District
18777 N. Lower Sacramento Road
Woodbridge, CA 95258

SUBJECT: Affirm Protest of 40-Year Time Extension to East Bay Municipal Utility
District Mokelumne River Permit

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, February 21, 2007. The meeting will be held at 7 p.m. in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the consent calendar and is usually not discussed unless a Council Member requests discussion. The public is given an opportunity to address items on the consent calendar at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Randi Johl, City Clerk, at 333-6702.

If you have any questions about the item itself, please call me at 333-6759.

P. Prima

for: Richard C. Prima, Jr.
Public Works Director

RCP/pmf

Enclosure

cc: City Clerk